

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

JON HORVATH, :

Defendant. :

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NOLLE PROSEQUI

S2 12 Cr. 121 (RJS)

12 Cr. 121 (RJS)

1. The filing of this *nolle prosequi* will dispose of this case with respect to the defendant Jon Horvath.

2. On February 7, 2012, Indictment 12 Cr. 121 was filed, charging defendant Jon Horvath with one count of conspiracy to commit securities fraud in violation of Title 18, United States Code, Section 371; and one count of securities fraud in violation of Title 15, United States Code, Sections 78j(b) & 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2. On August 8, 2012, a superseding indictment, S2 12 Cr. 121 (RJS), was filed charging Horvath with an additional count of securities fraud. On September 28, 2012, Horvath pled guilty to the three counts charged against him in the superseding indictment. The defendant has not been sentenced.

3. Based on legal developments subsequent to the defendant's guilty plea, the Government has concluded that further prosecution of Jon Horvath would not be in the interests of justice.

4. In light of the foregoing, we recommend that an order of *nolle prosequi* be

filed as to defendant Jon Horvath with respect to Indictments 12 Cr. 121 (RJS) and S2 12 Cr. 121 (RJS).

/s/ Harry A. Chernoff

HARRY A. CHERNOFF
SARAH EDDY McCALLUM
Assistant United States Attorneys
(212) 637-2481/1033

Dated: New York, New York
October 22, 2015


Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of *nolle prosequi* be filed as to defendant Jon Horvath with respect to Indictments 12 Cr. 121 (RJS) and S2 12 Cr. 121 (RJS).

/s/ Preet Bharara

PREET BHARARA
United States Attorney
Southern District of New York

Dated: New York, New York
October 22, 2015

SO ORDERED:



HON. RICHARD J. SULLIVAN
United States District Judge
Southern District of New York

Dated: New York, New York
October 22, 2015